Remarks

Claims 1-26 and 28-29 are pending. Claim 27 was canceled. No new matter has been added. Entry of the amendment is requested. Reconsideration is respectfully requested.

Claims 1-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mair (US 6,367,695).

The 35 U.S.C. § 102(e) Rejections

Claim 1

Mair does not teach the recited features, relationships, and steps. Claim 1 at step (a) recites "capturing . . . first image data . . . of a user interface". Claim 1 at step (b) recites "capturing . . . second image data . . . of the user interface". Claim 1 at step (c) recites "comparing the first image data and the second image data through operation of . . . processor . . . to determine if there is . . . a level of change". Claim 1 at step (d) recites "responsive to determining . . . the level of change . . . taking . . . programmed action". Mair is not directed to operating a processor to compare images of a user interface of an automated banking machine.

The Office relies on Mair at col. 4, lines 45-50, 54-56, and 60-65; and col. 5, lines 1-18 and 45-55. The relied upon lines in col. 4 read:

> "then be used to withdraw funds from the user's bank account.
>
> FIG. 2 shows a schematic cross-section of a fascia of an ATM 30, including an arrangement in accordance with an embodiment of the present invention whereby such attempted frauds may be detected . . . connected to the power source 36 and a decoder 42. Both the encoder 38 and decoder 42 are linked to a comparator 44. In this example the emitter 34 is positioned beneath the keypad . . .

Coded signals are emitted by the emitter 34 at timed intervals, which signals pass through the keypad 16 to the detector 40. The detected signals are passed to the decoder 42 which communicates with the comparator 44 to confirm that the detected signals correspond to those emitted by the emitter 34."

The relied upon lines in col. 5 read:

"reach the detector 40. This condition causes the comparator 44 to issue an alarm signal to activate an alarm circuit 48 and thus alert the ATM operator, and de-activate the ATM.

To accommodate normal usage of the ATM 30, the comparator 44 incorporates a time delay which prevents the issue of an alarm signal until the detector 40 has not received signals from the emitter 34 for a predetermined interval. The interval is selected such that use of the keypad 16 by a user, which will result in interruption of the signals reaching the detector 40, will not result in issue of spurious alarm signals.

It will be apparent to those of skill in the art that the embodiment of the invention as described above serves to prevent attempted frauds utilizing false keyboards to obtain users' PINs.

FIG. 3 shows a schematic cross-section of a fascia of an ATM 100, including an arrangement in accordance with a second embodiment of the present invention whereby attempted fraud by overlaying a card reader may be".

As can be seen, the sections of Mair relied upon by the Office are not pertinent to the recited subject matter. Mair does not anticipate claim 1. Thus, Applicants respectfully submit that the rejection should be withdrawn.

Claim 28

Claim 28 is directed to original claim 27 rewritten in an independent format. For reasons already discussed, Mair does not anticipate claim 28.

Claim 29

Claim 29 was added to constitute the allotted third independent claim. Claim 29 is a combination of subject matter from claims 1, 4, and 5. For reasons already discussed, Mair does not anticipate claim 29. Mair also does not teach the steps or the recited timing of steps.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The independent claims have been shown to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis. Furthermore, each of the dependent claims recites additional specific features and relationships that further patentably distinguish the claimed invention over the applied art.

Mair does not constitute prior art to the recited invention

Both application 10/601,950 and application 09/414,249 provide priority support for recited subject matter. Below are a few examples of claim support in these parent applications. Further examples can be found in the applications.

Parent Application 10/601,950

"the ATM controller or a connected system may be operative to capture images of the fascia of the ATM or portions thereof. The system may be programmed to compare the fascia or selected portions thereof with image data previously captured. If a sufficient difference in the image data is sensed relative to prior image data, the controller or a connected server may be operative to send a message and/or provide image data to a remote observer through a network to enable observation of an unauthorized device on the ATM fascia . . . compare image data for the fascia or selected portions thereof and execute a sequence of actions responsive to differences in image data . . . software for capturing and comparing topographical features and relationships of the ATM fascia.

Such a system may operate to initially capture such features of the ATM fascia, and thereafter compare the sensed features to the original topographical features" (page 33, line 18 to page 34, line 15).

Parent Application 09/414,249 (now U.S. Patent 6,583,813)

"the image data received by the system may be analyzed on a real time or periodic basis for the presence of other features in images. For example, images captured from a camera adjacent to an automated banking machine may be analyzed for the presence of certain objects which appear in the field of view of the camera. Such objects may include for example certain types of criminal tools used to attack the automated banking machine" (Patent at col. 25, lines 13-20).

Conclusion

Applicants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application by phone.

Respectfully submitted,

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